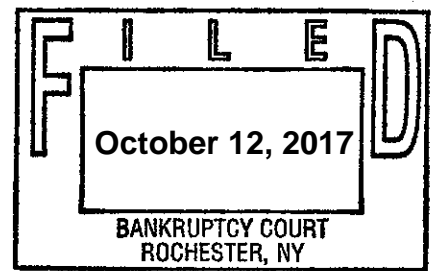


UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK



In re:

Monica M. Pierce,

Debtor.

Bankruptcy Case No. 17-20922-PRW
Chapter 7

**ORDER CONDITIONALLY GRANTING
MOTION TO VACATE ORDER OF DISMISSAL**

WHEREAS, Debtor filed a motion to vacate the dismissal of Debtor's chapter 7 case under Rule 59 or 60 FRCP, which case was dismissed due to Debtor's failure to make a filing fee installment payment (ECF No. 37), and

WHEREAS, Debtor asserts that her failure to make the filing fee payment was the result of the U.S. Postal Service misdelivering the Debtor's installment payment check, and

WHEREAS, on October 12, 2017, a hearing was held on Debtor's motion, at which hearing counsel for the Debtor and the United States Trustee ("UST") appeared; in the exercise of its equitable authority under 11 U.S.C. § 105(a), it is hereby

ORDERED, that the Debtor's motion is **CONDITIONALLY GRANTED** – the vacatur of the dismissal conditioned on Debtor's compliance with the disclosure requirements of 11 U.S.C. § 521, submission of tax returns to the Trustee, Debtor's appearance at a § 341 meeting of creditors, and compliance with any other requirements the Trustee may impose; and it is further

ORDERED, that the UST is directed to appoint a chapter 7 Trustee, under Rule 5010 FRBP, for purposes of executing this Order; and it is further

ORDERED, that the Debtor's motion to vacate the Order of dismissal will be granted, without condition, upon notification by the Trustee that the Debtor has complied with the requirements of the Code and Rules; and it is further

ORDERED, that if the Trustee has reason to oppose vacatur of the Order of dismissal—based on information obtained following entry of this Order, the Order of dismissal will remain in full force and effect.

IT IS SO ORDERED.

Dated: October 12, 2017
Rochester, New York

HONORABLE PAUL R. WARREN
United States Bankruptcy Judge